

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

GEORGE WISHART,

Plaintiff,

-against-

Correction Officer PETER WELKLEY (in his individual capacity), Correction Officer CEDRIK SORIA (in his individual capacity), Correction Officer JOSEPH SULLIVAN (in his individual capacity), Correction Officer W. MARYJANOWSKI (in his individual capacity), Correction Officer PAUL PALISTRANT (in his individual capacity), Correction Officer SWIATOWY (in his individual capacity), Correction Officer MITHADRILL (in his individual capacity), Correction Sgt. JAMES OPPERMAN (in his individual capacity), Correction Sgt. EDWARD RICE (in his individual capacity), and Correction Lt. BRIGHT (in his individual capacity).

Dkt. No. 19-cv-06189 (MAT)
(JWF)

**PETER WELKLEY'S RESPONSES TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

1. Identify each individual, including their last known email address and telephone number, likely to have discoverable information—along with the subjects of that information—that each Defendant may use to support his claims or defenses, including witnesses with testimony that would be used solely for impeachment.

Response: Object to this demand as premature. Defendants have identified all relevant witnesses and document in their Rule 26 disclosures and reserve the right to supplement as discovery proceeds.

2. Identify all email addresses used or controlled by each Defendant from January 1, 2015 to the present.

Response: [REDACTED]@hotmail.com, [REDACTED]@gmail.com

3. Identify all cell phones used or controlled by each Defendant from January 1, 2015 to the present, including (1) the brand and make and model of each cell phone, (2) the current location of each cell phone, and (3) if any cell phone is no longer available, the date the cell phone was lost or destroyed.

Response: Former phones: [REDACTED]

[REDACTED]

Current phone: [REDACTED].

4. Identify all phone numbers used or controlled by each Defendant from January 1, 2015 to the present, including the carrier(s) or provider(s) for each phone number.

Response: [REDACTED]. [REDACTED]

5. Identify all text messaging applications used, controlled, or accessed by any Defendant from January 1, 2015 to the present.

Response: The standard text messaging application that comes with the phone. I have used Skype, Facebook Messenger, and Whatsapp.

6. Identify the user or account names for each social media application or website used or accessed from January 1, 2015 to the present, for each Defendant.

Response: Object to the request as overbroad, seeking irrelevant information and not proportionate to the needs of the case. Without waiving this objection, I have a Facebook account with the user name [REDACTED].

7. Identify all persons each Defendant has communicated with concerning the allegations in this action.

Response: Object to the request as overbroad, seeking irrelevant information and not proportionate to the needs of the case. Without waiving this objection, I spoke with

my union representatives and my legal counsel. I believe I spoke with Cedrik Soria. While I do not recall the exact date of that conversation, it was sometime after I was informed by the facility that I was being locked out of the facility pending the investigation into Plaintiff's allegations.

8. State the date that each Defendant became aware of the action *George Wishart v. The State of New York*, Claim No. 129405 filed in the New York Court of Claims.

Response: I do not know anything about a matter in the Court of Claims. I was informed by the facility that I was to attend a deposition but believed it pertained to the federal court matter.

9. State the date that each Defendant became aware of this action.

Response: I believe it was in April of 2019.

10. State the date that each Defendant received an order to preserve documents due to filed or impending litigation by Wishart.

Response: I received that notification on or about May 14, 2019.

11. Identify all employers for each Defendant from January 1, 2006, to the present.

Response: Object to the request as overbroad, seeking irrelevant information and not proportionate to the needs of the case.

12. Identify all entities to which each Defendant has submitted an application for employment from January 1, 2006, to the present.

Response: Object to the request as overbroad, seeking irrelevant information and not proportionate to the needs of the case.

Dated: July 22, 2019
Rochester, NY

Marilyn L. Rogowicz

MARILYN L. ROGOWICZ
Notary Public, State of New York
No. 01RO5067315
Qualified in Monroe County
Commission Expires on October 15, 2022

Peter Welkley
Peter Welkley